

Appl. No. 10/644,254
Amdt. dated Aug. 29, 2005
Reply to Office action of June 6, 2005

REMARKS/ARGUMENTS

The Examiner in the action, noted above, has rejected claims 4, 8, 13-15 as originally filed under 35 U.S.C. 112, see page 2, first paragraph of the action.

It is respectfully submitted that claims 4, 8, 13 and 14 have been cancelled as set forth above in the extensive amendment to the claims and as to claim 15, the specification has been amended to include the reference to "shoulder bolts 76A" on page 14 which is now supportive of claim 15's reference to "shoulder support bolts". It is further noted that the amendment to the specification is supported by the drawings which are part and partial of the specification so therefore is not an issue of new matter and should be entered for proper descriptive clarity of the invention.

The Examiner has rejected claims 1-15 under 35 U.S.C. 112, see second paragraph, page 2 of the action concerning the preamble in claim 1 stating initially that only an assembly is being claimed while the positive limitation to the trailer "secured to a trailer" adjust the combination.

It is respectfully submitted that claim 1 has been cancelled and is essentially replaced by new claim 16 as will be outlined hereinafter.

The Examiner is also unclear as to what the term "open rung" means as set forth in claims 1, 6, and 11 and the phrase "said respective elongated guide track openings and said respective side track" as set forth in claim 5 and "said elongated

guide track" set forth in claim 10 lacks antecedent basis, see page 2 and page 3 respectively of the action.

Applicant, as noted, has amended the claims extensively, canceling claims 1, 5 and 6 and now with new claim 16 supports elongated guide tracks referred to in claim 10.

The Examiner has rejected claims 1-3, 6,7,9 and 11 as originally filed under 35 U.S.C. 103 as being unpatentable over Haberle in view of Urian.

Responsive to the rejection and the fact that the Examiner has indicated that claim 12 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, include all of the limitations of the base claim and any intervening claims applicant has submitted in the new claim 16 which now becomes the primary independent claim and includes the limitations set forth in claim 12 and any intervening claim as the Examiner has suggested and therefore overcomes the rejection under 35 U.S.C. 103 on the references cited which do not include specifically or in combination or can be derived under the obviousness requirement of the 103 rejection, applicant's now more precisely defined claims as reflected in new claim 16 with all of its limitations including the critical limitation set forth in claim 12 which was indicated as allowable of "one of said cross brackets comprising a pair of oppositely disposed notched interconnecting plates, said plates pivotally secured to said respective slide tracks".

It is clear such structures are not obvious in view of the combination of references cited as indicated by the Examiner's indication of allowability of claim 12, as noted and that the remaining dependent claims which as noted depend from

independent claim 16 and thus include all of the limitations set forth therein and distinguish themselves over the prior art combination that the Examiner has cited.


The same comments can be applied to original claim 5 which as set forth was rejected under 35 U.S.C. 103 as being unpatentable over Haberle and Urian in further view of Spivey which shows multiple wheeled assemblies 28 and 30 secured to a ladder support frame registerable within respective guide tracks 16, etc.

Original claim 5 has been canceled and the limitations of the multiple wheel assemblies have been entered into new independent claim 16 which includes the limitations as outlined above of allowable claim 12 and the intervening claims, as noted.

Accordingly, based on the extensively amended claims and submission of new claim 16 as a sole independent claim in the application and currently pending along with dependent claims, as outlined, it is believed that those claims are now in condition for allowance and the same is respectfully requested.

Respectfully submitted,

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